

K
THE ADVANTAGE OF A NATIONAL OBSER-
VANCE OF DIVINE AND HUMAN LAWS.

— 8135-5-19
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A

D I S C O U R S E

IN DEFENCE OF OUR

ADMIRABLE CONSTITUTION.

—
BY A COUNTRY POST-MASTER.

—
TO WHICH IS ADDED,

MR. JUSTICE ASHURST'S

MOST EXCELLENT

CHARGE TO THE GRAND JURY,

For the County of MIDDLESEX.

—
I P S W I C H :

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M DCCXCII.

July 26.
From the Author - O.
Deck, Post-Master at Bury
with several other copies

THE Author of the following Discourse is truly sensible of the incorrectness of it: the only motive that induced him to publish it, was, a wish to contribute in a small degree, to guard against the fashionable prevalence of Irreligion, and the consequent disregard to the Authority of the just Government and happy Constitution of these Kingdoms. With this view only he submits it to the Candour of a discerning Public.



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PROVERBS XI. 11.

BY THE BLESSING OF THE UPRIGHT
THE CITY IS EXALTED; BUT IT IS O-
VERTHROWN BY THE MOUTH OF THE
WICKED.

I shall not curiously examine the weight of each particular expression in the text; for whether by *the Blessing of the upright* be meant the religious regard which good men have towards God, or the providential regard which God has towards good men, it amounts to the same; either way, the words afford us this general maxim,—“That where religion and just principles prevail, the nation will flourish; but where it is tainted with irreligion, and debauched in its principles, there it will tend to destruction.”—A maxim not drawn from the

speculation of philosophy, but formed upon reason and observation, by a royal politician, well versed in his subject; one whose chief search was after wisdom, and his innocent ambition the welfare of his people. The maxims of such men are of great weight, and might expect admittance on their own credit. However, we will make trial of this upon the touchstone of history, after which, I will recommend the turning the advantageous side of the maxim to ourselves.

To collect all the passages of sacred history to this purpose, would be to transcribe *Moses and the Prophets*. I shall only select a few of the most remarkable.

That a voluntary departing from God, throwing off the obedience to positive laws, and a confident reliance on our own personal wisdom, are crimes prejudicial to society, we carry about in our unhappy selves the fatal testimony; wherever we see sin, or folly, or misery among men, we see an evidence of this; and feel the effects of

Adam's guilt in these particulars, in the genuine consequences of his punishment.— Crimes that did not destroy a single kingdom only, but human nature.

The nations who were put to the sword, or driven out to make room for the people of *Israel* were not punished arbitrarily, and without just cause; for when the land was promised to *Abraham*, the possession was deferred for *four hundred* years, because *the iniquity of the Amorites was not yet full.** And when they took possession, they were told, *For the wickedness of these nations, the Lord doth drive them out from before you. §* And they are cautioned to keep the statutes of God, and not commit any abominations which the men of the land had done. Accordingly the subsequent successes or dispersions, the conquests or captivities of the *Israelites* were the proportioned effects of their obedience or disobedience to God. Till at length, incorrigible and untutored by long experience, they quite wearied out his favour, and are, at this day, a people

* Gen. 15. 16.

§ Deut. 9. 4.

subsisting without a country, to be a living lecture to teach all nations among whom they are scattered, that *it is God that ruleth in Jacob, and unto the ends of the world.* §

If we turn our eyes to other nations, and carry our enquiries through the four great monarchies, we shall meet with the same truth. The *Babylonian*, in spite of all its grandeur and magnificence, fell for its impiety, according to the prophecies of *Isai-ah*, *Jeremiah*, and *Daniel*; and their kingdom was given to the *Medes* and the *Persians*, who took possession in the middle of a public debauch. * The empire that rose out of its ruins reads us the same lecture: whoever considers the boundless lusts, incests, and lawless will of the *Persian* kings, may manifestly discern the seeds of the *Persian* ruin; the cause that made them so willingly submit to *Alexander*, and pass themselves over to the *Grecian* monarchy. This, as it began, and in a great measure ended with *Alexander*, is not to be looked upon

§ Psalm 59. 13.

* Dan. 5. 30. 31.

as a regular established empire, but an indigested heap of conquests, that tumbled to pieces at his death, and fell into the hands of his captains.

Its successor, the *Roman* monarchy, is rich in its instructions. "Whoever considers their history, (says an eminent writer) will find how useful a thing religion was to the governing of armies, to the uniting of the people, to the keeping men good, and to the deterring them from being bad. For never was the fear of God (says he) so eminently conspicuous as in that commonwealth." Happy had it been, had their principles and morals been never tainted; but the difference of their manners afterwards, is thus represented by their own historian;—who, speaking of the people's regard to the oath they had taken to one of their consuls, even in a case where the obligation of the oath might appear doubtful, tells us, such was the people's tenderness and veneration for religion, that they would not strain, and presume upon their consciences: for, adds he, "The neg-

lect of the Gods, which hath overspread *this* age, was not then come to that height; nor did every man interpret his oaths, and accommodate the laws, to his own interest and advantage." The consequent ruin of the common-wealth is sufficiently known. The above mentioned politician makes this reflection on their history. "The religion introduced by *Numa*, was one of the first causes of the *Roman* felicity: because, religion produced good laws; good laws, good fortune; and good fortune, a good end in whatever they undertook: and, as strictness in divine worship, and conscience of oaths are great helps to the advancement of a state; so, contempt of the one, and neglect of the other, are great means of its destruction. Take away religion, and you take away the foundation of government."

This was the judgment of a most celebrated politician, founded upon historical observations, and the evidence of facts; and who can reflect upon these great events, and doubt the providence of God: are not

his power and wisdom and goodness manifest in these glorious dispensations. Let us pause a while and ask what is become of all these vast empires, alas! they have all since been destroyed, and are no more: by which we may see the finger of God directing and governing in a wonderful manner. Particular states, like ships at sea, may be worked each by the master of the vessel; but their station, course, and employment in the fleet, are determined by the common admiral, who controuls all their motions.

Society and law presuppose religion; they acknowledge it to be their foundation and support: men are not to be governed but by it, and become monsters without it; it is essential to the nature of man, and is what properly distinguishes him from all other animals. The man therefore, who pretends to have no religion, is an enemy to his species, to society, law, and government, and ranks himself with the beasts that perish. He that opposes one particular form of government, may find a state

somewhere or other to his mind, and become a good citizen; but the man who publicly opposes all religion, is like an enemy to all societies and governments, and must be a bad citizen wherever he is found. So true is the observation of the text, *that by the blessing of the upright the city will be exalted, but will be overthrown by the mouth of the wicked.*

It is in vain to complain of government, or of laws, if men are determined not to be influenced by them, were they ever so good. It is only transferring the blame of their own misconduct to those, who would not have it in their power to be very bad, if they had not bad subjects to work upon. Let every man do his duty, and it is not possible the whole should be otherwise than excellent. But if we call upon others to be good, when we are not good ourselves; if we cry out for reformation, and will not reform; if we recommend what is right by talk only, and never by practices, the effect will be adequate to the cause, and nothing done, because words are not deeds; let us

mind ourselves first, and then set about the good work of reclaiming others; not in vain glory and ostentation, but purity of life and manners. If few at first, the number will become great by example, and efficacious by union.

Since therefore the happiness and grandeur of our state is owing to the wise contrivance and happy administration of our civil and religious laws, which are naturally productive of so many and so inestimable public blessings, it may not be amiss to offer in the next place, a consideration or two that may be of use perhaps to bring us to this disposition of mind; and to induce us to a ready and chearful observation of our laws, and a dutiful obedience to our lawful governors. Now there is nothing more likely to effect this, than our entertaining a just and proper sense both of the wisdom and excellency of the laws themselves, and of their comparative excellency above those of the neighbouring states. As to the wise and excellent contrivance of

our laws, the very origin of them is in some measure, a presumptive argument for it: for we have them either from immemorial prescription, and the confirmed approbation of many ages, or from the united wisdom of the ablest and greatest men we can pitch upon to represent us in our great national council—so that they are all of them the result of the wisdom of our earliest ancestors, confirmed by a long experience of their great utility, exalted and improved by the advantages of modern discoveries; and if the bare origin of our laws does in some measure evince their intrinsic worth, so much more compleatly does the purport and general tendency of them; whether we consider that dependance and mutual check, which all orders of men amongst us have on one another, or whether we regard that due temperance of power, that wise proportion of liberty in the people, and power in the prince, that neither can the prince, in effect, be a prince at all, if he governs ill, nor the people either happy or safe, if capriciously disobedient; or whether we respect that

Christian and merciful disposition of our laws, even to offenders, free from those cruelties so frequently practised, and yet with so little success, in foreign countries, where the racked and weary soul has so often wished to take its leave, and is cruelly not suffered to depart, but obliged, under tyrannic usurpation, to undergo all the agonies and pains, to which an arbitrary government, and a false and bloody religion has condemned them.

As to the comparative excellency of our laws, above those of the neighbouring nations, they, who are but little versed in those countries, need not be told the difference; and those, who are not at all, will scarcely believe it, if they hear it; and indeed it would be difficult to enlarge upon this point, without seeming to draw a libel upon all or most of the neighbouring states. I shall only observe, that foreigners, of whatever nation, who have either seen our country, or conversed much with our countrymen abroad, do never fail to make the comparison, and lament the difference.

Next to the entertaining a good opinion of the wisdom and excellency of our laws, give me leave to observe, that there cannot be a stronger motive to the practice and observation of them, than what proceeds from a thorough sense and conviction of the truth of our religion, in contradistinction I mean, to those principles of *deism*, with which the world is every day more and more infected. And doubtless one of the chief ends of our Creator in blessing mankind with a revelation of his will, was the better regulation and firmer support of civil government among his creatures. The wise legislators of antiquity, quickly found out the necessity of laying the foundation in religious principles, and were therefore forced, for want of a truly revealed religion, to vamp up fictitious ones to serve the ends of government: and how indeed can any government subsist without that general bondage of all human society; *oaths*, and *oaths* are a mere jest, if their validity be founded upon any thing else than a thorough conviction of the divine authority of the faith we swear by. Besides 'tis

evident, mankind are not to be dealt with without hopes and fears of something to come, strong enough to keep them close to their duty, when no human eye looks on. No laws of man can ever do this; for how shall they reach our private thoughts, or influence our secret actions: nothing can effect this, but an awful sense of that pure and just Being, whose existence fills all Heaven and Earth; who sees in one view all that is in the whole extent of the universe, and who is privy to the most minute thoughts that pass in all our hearts. But where the mind is not duly tinctured with a religious sense, little will the wisest human laws avail, since they may easily be rendered worse than none, by the cunning and subtle evasions of those who ought to obey them. A consideration that shews us, how much it behoves the magistracy of any country, to lend the strongest aid they can, to the good cause of religion, virtue, and morality; for when that goes to wreck, the dissolution of all civil government must closely follow.

And now, my countrymen, after this survey of the great excellency of those laws, by which we have the happiness to be governed; those laws which so manifestly tend to procure us wealth and strength, peace and plenty at home, and respect and fear abroad; what can be more natural than to endeavour to stir up in ourselves, a zealous inclination to contribute what we can to the preservation and continuance of those inestimable blessings we reap from our present happy constitution. And to this end, let us be cautious to the last degree, how we needlessly suffer our public affections to be poisoned by the artifices of those who *pretend* indeed to be our truest friends; but it is to be feared, are in *reality*, our most dangerous enemies. To those who know mankind, the distinction is not hard to make, if the one and the other be but put to the test of cool and calm reflection; when, for instance, we see men labouring with all their might, on account of a few pretended small errors of government; when we see them endeavouring by all methods, direct and indirect, to break the union

of the prince and people; that union which all men *know*, is almost as terrible to our neighbours, as even our armaments, we may rest assured, that such men are only *pretended* friends to their country: for were they *really* so, they never would endeavour to remedy small pretended evils, by having recourse to that greatest mischief that can well befall a state; namely, the bringing the government of it into the hatred or contempt of the people.

In the seditious pamphlets with which the world is daily pestered, we are told much of bribery, and corruption, by places of preferment. 'Tis to be wished the authors and dispersers of them, would give us a descant upon another kind of corruption, they have as yet told us nothing of, I mean, that most dangerous corruption of the heart, which proceeds, though not from places of preferment, yet from the want of them. For among all the springs of action, by which mankind are moved, there are none more strong and potent, *than envy and disappointed ambition; none*

that have in all ages and countries, more contributed to the confusion and down-fall of civil government. How much therefore does it behove all true lovers of their country, to discountenance, as far as in them lies, all such pretended patriots, as are manifestly influenced in all their actions, by this most detestable sort of corruption; and let the indefatigable zeal of these men, (which we see is able to unite them, though they are *as different, as white and black* in all other principles) let it, I say, animate all truly loyal subjects to do their best, to promote the unity, peace, and welfare of their country.

Surely, no man, who duly reflects on our happy constitution, can seriously think it can easily be altered for the better. If the full enjoyment of our religion, liberties, and properties; the due, regular, and impartial execution of our laws; the extent of our trade, and our security from foreign invasions;—if these are circumstances, capable of rendering a nation happy, we then, with truth and justice, may say, in

the words of Moses, to the children of Israel, *What nation is there so great, who hath God so nigh unto them as the Lord our God is in all things that we call upon him for? And, what nation is there so great, that hath statutes and judgments so righteous as all this law which is set before you this day* ?*

'Tis plain therefore, that if we can but bring ourselves, to give credit to the impartial relations of our own senses, we have at present, much real and substantial happiness at stake; and if we do but act up to the usual good sense of our nation, tis now fully in our power, happily to secure the same to ourselves, and our posterity for many generations. Let us but beware *how we split upon* one dangerous rock, and we are safe—we are a free-born people, and therefore naturally jealous of all tyrannical invasions of our liberties, rights, and properties;—and doubtless, a very brave and laudable principle it is, and we do well to cherish it: but then, the mischief of it is,

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* Deut. iv. 7. 8

that happy as we are, in these generous notions, they are apt, sometimes, to produce an evil of the most dangerous consequence to our state. For hence it is, that ill-designing men are often enabled (without having the truth of the argument on their side) to raise a great deal of popular discontent against our governors; and as we are often betrayed into this way of thinking, by true and generous principles misapplied, we should therefore be the more vigilant and careful how we are thereby seduced. For as in our natural bodies, those diseases are often found the most dangerous, which proceed from the overflowings of a strong constitution; so in bodies politic, those disorders have often the most mischievous effects, which take their rise from the most wholesome principles, ill-applied by the art of designing men. But I am sensible, that I have the less reason to expatiate upon this head, as I am writing in a county, * remarkable in our histories for their loyalty to the crown, and their firm attachments to the true interest of the nation; and who have always readily joined to oppose the

* Suffolk.

rebellious disturbers of their country's peace. May we also be animated with a truly loyal spirit, and not suffer ourselves either to be frightened out of our allegiance, by the outcries of a disaffected people; or to be yet more foolishly cajoled out of it, by the puerile declamations of their leaders. But let us go on in our duty, not noisily and tumultuously, but (like true lovers of our country's peace) peaceably and quietly, though steadily and resolutely.

I cannot finish this subject better, than with the conclusion^d of a Sermon of our late good and pious Bishop*, upon a public occasion.

One thing more is yet behind—and O that my voice could reach the remotest corners of the land, to proclaim to all it's inhabitants, the wishes of Britain, that her children would dwell together in unity; that they would not employ their shining talents, and extensive attainments, merely in thwarting each other; that they would

* Dr. Horne's Sermon before the House of Commons, at Westminster, Feb. 4th. 1780.

not revive old jealousies and animosities, or sow new ones; that they would abolish enmity, and strain every nerve in the prosecution of this only contention—who shall stand first, and do most service, in the cause of their King, and their Country.

Such is the nature of the reformation to be desired. Blessed are the eyes that shall see it; but still more blessed the hands that shall have contributed to effect it! Viewed in the aggregate, it may seem difficult—it may seem impossible. But let us divide the task among us, and it will become easy. Let each of us undertake for ONE, and let us begin TO DAY. “Then will the Lord
“be gracious to his inheritance, as in the
“ancient days, in the generations of old;
“the Lord will make our way prosperous,
“and we shall have good success;” we have had some—we shall have more—
“the Lord will give STRENGTH unto his
“people; the Lord will give his people the
“blessing of PEACE.”

THE END.



The following most *Excellent Charge* of
SIR WILLIAM ASHURST, delivered to the
GRAND JURY for the COUNTY of MID-
DLESEX, November 19, 1792, breathes so
much the true Spirit of the English Law,
and is so well suited to curb the Presumpti-
ous Spirit of the Times, that it must be
read with Pleasure by every true English-
man—it is therefore hoped no Apology
need be made for adding it in this Place.

“ Gentlemen of the Grand Jury,

“ I HAVE the honour of meeting you upon the stated return
of this solemnity of putting in execution the Criminal Law,
and of bringing such offenders to justice as have been guilty of a
breach of the Law. Gentlemen, there is no Nation in the world
that can boast of a better System of Government than that under
which we have the happiness to live. Here no man is so high as
to be above the reach of the Law, and no man so low as not
to be within the protection of it.—The Power of the Crown on
the one hand, and the Liberty of the Subject on the other, are
both effectually secured, and at the same time kept within their
proper limits. Gentlemen, the Law of this Country only lays
such restraints on the actions of individuals, as are necessary for
the safety and good order of the Community at large; and such
restraints are so far from being infringements on Civil Liberty,
that Civil Liberty could not subsist without them: for if every

man were left to the free and uncontrouled impulse of his own mind, as in a state of Nature, no man could be secure of his person or property, and the weak would become a prey to the strong. But in a state of Civil Government, each individual grows strong in the strength of the Community.

“Gentlemen, it is Civil Liberty that is the parent of industry, and consequently of wealth. For in a state of Nature there was no security to property, and no man thought of property further than for the momentary supply of his own immediate necessities. But when men have entered into society, the consciousness that their property is secure, induces to habits of industry. Man in that state does not bend his pursuits to the mere supply of his present wants, but looks forward to future ages. The mutual wants of men produce a mutual supply : this leads to Trade and Commerce, and extend a man's connections beyond the narrow limits of his own family : and thus mutual wants bring mutual happiness. But, Gentlemen, as a preliminary step to the procuring of these enjoyments, it was necessary that mankind, on entering into Society, should give up into the hands of Government that species of Liberty which resulted from the perfect equality of man, and where no man had a right to impose on another a rule of conduct, but every man, as far as his strength carried him through, followed his own will. But, Gentlemen, a state of Society cannot subsist without Subordination ; there must be general rules laid down by the coercive power of the State wherever it resides, as a standard by which the actions of men are to be measured and punished, so as to prevent them from being injurious to the rights and happiness of their fellow-citizens. And there must be a coercive power in such hands as the Constitution has thought fit to place it, to enforce such laws and rules of action as the wisdom of the State has prescribed. Happily for us, Gentlemen, we are not bound by any Laws but such as are ordained by the virtual consent of the whole Kingdom, and which

every man has the means of knowing ; and if men judged right, they would be persuaded their happiness entirely depended on a due observance and support of these Laws. There have, however, under the best systems of Government, been found men of corrupt principles, who, having forsaken honest industry, wish to throw every thing into confusion, and to live by rapine and plunder ; when that is the case, it is become necessary for the coercive power of the State to lend its restraining hand, and to punish offences of such a flagrant nature. There is no prospect of Reformation till such corrupt members be cut off, to prevent others being contaminated by their example. But, though crimes must not go unpunished, I may venture to affirm, that there is no Nation whatever that is so careful of the natural Liberty of the Subject, or has made such humane provisions for offenders, as the Nation in which we live.

“ Gentlemen, the ordaining of this preliminary step—the Inquest, such as that on which you now appear, composed of Gentlemen of rank and figure in the Country—is a guard and caution unknown in every other Country. And after you have given your opinion that the matter is fit for further inquiry, the accused has a right to have his Indictment tried by a Jury, which is a most invaluable privilege.

“ The Law, Gentlemen, is no less careful in protecting men’s civil rights. There is no Country where the Law is more uprightly or more impartially administered. For this blessing we are indebted to the wise and prudent form of our Constitution, and to that security which naturally results from it. Hence it is that our Commerce has been extended beyond the example of all former ages. And we all know, that this is the case of every Manufacturing Town in this Country. Such is the flourishing state of this Kingdom, and such the happy fruits of Liberty and Peace, one would suppose there was not a man in the Kingdom

who did not feel it, and feel it with a grateful heart; and yet, I am sorry to say, there are men of dark and gloomy hearts, who would wish to overturn the general fabric of our Constitution, which has been the work of Ages, and would give us in return a system of universal Anarchy and Confusion. There have been Publications in which the Authors disclaim all idea of Subordination, as inconsistent with the natural rights and equality of mankind, and recommend the example of a neighbouring Nation as a model for our imitation. Alas! Humanity is called upon to pity the deplorable situation of that Country: but it is a very ill chosen example of imitation to hold forth to a Nation in a most flourishing state of happiness; and it is pretty extraordinary, that, with our eyes open, we should wish to plunge ourselves into the same abyss of misery with that neighbouring Nation. One might naturally have expected, that doctrines so absurd, so nonsensical, and so pernicious, would have been treated with that contempt they deserve, and would have sunk into oblivion. But when one not only find such tenets held, but Societies of men formed, who meet with the express purpose of disseminating such doctrines, and who hold a regular correspondence with other Societies in a neighbouring Nation, it is time for every sober man who is at all interested in the safety and welfare of his Country, as much as in him lies, to endeavour to crush such unconstitutional and pernicious doctrines. Gentlemen, his Majesty, who is always anxious and watchful over the safety and prosperity of his People, did some time ago issue His Royal Proclamation, which received the approbation of every good Citizen of this Kingdom. And, Gentlemen, I am afraid the circumstances which gave rise to that Proclamation are not yet so totally at an end, as to make it unreasonable for me now to recall them to your recollection. Gentlemen, His Majesty in that Proclamation states, THAT DIVERS WICKED AND SEDITIOUS WRITINGS, &c. (Here his Lordship recited the substance of the Proclamation.

“ Gentlemen, I cannot help expressing the happiness I feel, that his Majesty’s Proclamation has been received with every mark of respect through the Kingdom; and there are scarcely any parts of the Kingdom that have not presented an Address to His Majesty in consequence of it, and who have not expressed their hatred and abhorrence of such pernicious doctrines, and shewn they are not to be duped out of their happiness by the shallow artifices of such men as have nothing to lose, and who would wish to enrich themselves by the destruction of all Government. His Majesty’s Servants and Ministers have paid due attention to this Proclamation, so far as to have instituted proceedings against several Libellous and Seditious Publications. But, Gentlemen, though the Proclamation has tended to produce the desired effect, it has not done it so effectually as to prevent the disseminating of such kind of Writings; and all sober men ought to be diligent in supporting the cause of Order and Government.

“ Gentlemen, I trust your minds will be impressed with these ideas, and that you will be assiduous in supporting our present form of Government. Such of you as are in a private station, will endeavour, by your example, to discountenance such kind of doctrines; and those of you who are clothed with the Robes of Magistracy, will be diligent in exerting yourselves to bring to Justice all who have been guilty of a breach of the Law, by publishing tenets of that pernicious nature.

“ I shall not take up more of your time, but recommend it to you to proceed with all due dispatch to the Public Service; and I have no doubt that you will discharge your duty in a manner honorable to yourselves, and so as to deserve the Thanks of your Country.”

F I N I S.

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THEATRE ROYAL DE LA VILLE

OF THE CITY OF PARIS

TO THE HONOUR OF THE KING

AND IN COMPLAIMENT OF THE

ROYAL ACADEMY OF MUSIC

AND OF THE ACADEMY OF SCIENCES

AND OF THE ACADEMY OF LETTERS

AND OF THE ACADEMY OF ARTS

AND OF THE ACADEMY OF AGRICULTURE

AND OF THE ACADEMY OF COMMERCE

AND OF THE ACADEMY OF MEDICINE



AND OF THE ACADEMY OF LEGISLATION

AND OF THE ACADEMY OF POLICE

PARIS